



**WASHINGTON DEPARTMENT  
OF FISH AND WILDLIFE  
FINAL DETERMINATION OF  
NON-SIGNIFICANCE  
June 07, 2004**

State of Washington

**DEPARTMENT OF FISH AND WILDLIFE**

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Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

**DETERMINATION OF NONSIGNIFICANCE**

**Name of Proposal:** HPA/FPA INTEGRATION FOR NON-FISH BEARING STREAMS

**Description of Proposal:** The proposed rule waives the requirement for a Hydraulic Project Approval (HPA) for forest practices conducted in or across non-fish bearing streams under an approved forest practices application (FPA) issued by the Department of Natural Resources. This integration of the HPA and FPA for non-fish bearing streams was envisioned as part of the Forests and Fish Agreement, which outlined changes to forest practices rules to protect riparian and aquatic resources on private forestland, and was the result of 18 months of study and negotiation involving scientists, regulators and policy makers. Based on this agreement, the Washington State Legislature in 1999 passed ESHB 2091 ("The Forests and Fish Law") which found that amending forest practices rules consistent with the Forests and Fish Agreement would protect vital salmon habitat necessary for the long-term recovery of salmon on more than 60,000 miles of streams.

The Forests and Fish Agreement and RCW 76.09.030 (2) include policy statements that the laws, rules and programs covering hydraulic projects should be more closely integrated with the laws, rules and programs governing forest practices. Pursuant to chapter 76.09 RCW, the Forest Practices Board has adopted regulations that include, among other items, fish protection measures normally included in HPAs for projects in non-fish bearing streams. The updated Forest Practices Rules adopted by the Forest Practices Board on May 17, 2001 were evaluated for environmental impacts in the April 2001 FEIS (Available at: <http://www.dnr.wa.gov/forestpractices/eis/>). Based on the upgraded fish protection measures in WAC 222-16, 222-24, and 222-30, WDFW is proposing to modify WAC220-110-035 so that forest practices, as defined in Chapter 76.09 RCW, conducted in or across non-fish bearing waters (type Np and Ns waters as defined under WAC 222-16-030 and type 4 and 5 waters as defined under 222-16-031) with an approved forest practices application or notification issued by the Department of Nature Resources will not require an HPA. This will achieve equal or better protection of fish life while reducing unnecessary permitting requirements for applicants.

**Proponent:** Washington Department of Fish and Wildlife, Contact person: John Mankowski (360) 902-2589

**Location of Proposal, including street, if any:** This proposed rule would apply to approved forest practices conducted in or across non-fish bearing waters (type Np and Ns waters as defined under WAC 222-16-030 and type 4 and 5 waters as defined under WAC 222-16-031) on state and private timberlands regulated by the Forest Practice Rules.

**Lead Agency:** Washington Department of Fish and Wildlife

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will **not act on this proposal for 14 days** from the date of issue below. Comments must be submitted by: **May 17, 2004**

**Responsible Official:** Teresa A. Eturaspe

**Position/Title:** SEPA/NEPA Coordinator, Regulatory Services Section

**Address:** 600 Capitol Way North, Olympia, WA 98501

**Please contact:** Teresa A. Eturaspe **Phone:** (360) 902-2575 **Fax:** (360) 902-2946 or **e-mail:** habitatSEPA@dfw.wa.gov if you have questions or comments about this determination.

**DATE OF ISSUE:** May 3, 2004

**SIGNATURE:**

